

REMARKS

The requirement for restriction interposed in the present application separates the claims into two purportedly separate inventions: Class I (claims 1-14) and Class II (claims 15-31). Two additional restrictions are also interposed for purportedly different species of the (1) mounting and adjustment system and the (2) recalibration cap.

Elections

Applicant provisionally elects to prosecute the Class I claims, claims 1-14, without prejudice to prosecuting the Class II claims, claims 15-31, in the present application or in a later application.

Applicant further provisionally elects, with traverse, to prosecute the mounting and adjustment system 100 of Figure 2A, and the recalibration cap 200 of Figure 3C, without prejudice to prosecuting the provisionally unelected species in the present application or in a later application.

Applicant makes these provisional elections with the understanding that "[u]pon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141." Office Action at ¶ 6.

The Restriction Requirements Are Improper

Applicant notes that the restrictions directed to the mounting and adjustment system and the recalibration cap are unsupported, and fail to describe why the cited embodiments are purportedly "independent or distinct" from each other or the "reasons for why there would be a serious burden on the examiner if restriction is not required." See M.P.E.P. § 808. With regard to burden, no showing has been made as to separate classification of the purported

species, separate status in the art when classifiable together, or any difference as to the field of search. See M.P.E.P. § 808.02. To the contrary, Applicant respectfully submits that no additional searching would be required to properly examine together the purported species subject to the requirement.

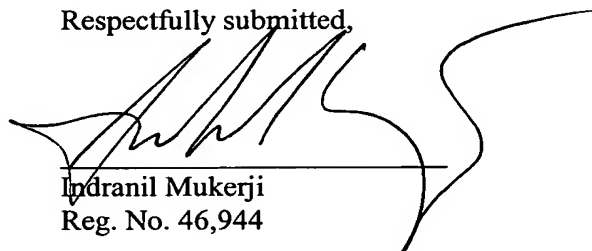
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Authorization To Charge Additional Necessary Fees

The Commissioner is hereby authorized to charge any additional necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

Dated: 2/3/06


Indranil Mukerji
Reg. No. 46,944

WALL MARJAMA & BILINSKI LLP
101 South Salina Street, Suite 400
Syracuse, New York 13202
Telephone: (315) 425-9000
Facsimile: (315) 425-9114

Customer No.: **20874**
PATENT TRADEMARK OFFICE